

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

THE COMMUNITY CHURCH OF
CHESTERLAND OHIO, JESS PEACOCK,
MEGAN CARVER, and CONSTANCE
BECKER,

Plaintiffs,

v.

AIMENN D. PENNY, CHRIS UTHE,
BRANDON PERDUE, SHERRI PERDUE,
and UNNAMED MEMBERS OF WHITE
LIVES MATTER OHIO,

Defendants.

Civil Action No. 1:24-cv-00642-BMB

Judge Bridget Meehan Brennan

**MOTION FOR CLARIFICATION ON TIME TO RESPOND TO DEFENDANT CHRIS
UTHE’S MOTION TO DISMISS**

Plaintiffs, The Community Church of Chesterland Ohio, Jess Peacock, Megan Carver, and Constance Becker (together, “Plaintiffs”), by and through their undersigned counsel, hereby request clarification on Plaintiffs’ deadline to respond to Defendant Chris Uthe’s pending Motion to Dismiss (ECF No. 17) in light of this Court’s upcoming hearing regarding whether Attorney Jason Lee Van Dyke—who filed the motion on Defendant Uthe’s behalf—can continue representing Defendant Uthe in this action. In support of this Motion, Plaintiffs state as follows:

On June 17, 2024, the Court ordered a hearing to “assess compliance with Local Rule 83.7” and “determine whether Mr. Van Dyke can continue to represent Mr. Uthe.” (ECF No. 16; June 17, 2024 Text Order.) This hearing is set for August 7, 2024. (*Id.*)

On July 11, 2024, Defendant Uthe, by and through his counsel, Attorney Van Dyke, filed a Motion to Dismiss. (ECF No. 17.) Based on the Local Rules, Plaintiffs’ response is due August 12, 2024, which is 5 days *after* the currently-scheduled hearing. *See* L.R. 7.1(d); (ECF No. 16.)

Because Plaintiffs' response is due 5 days after the Court's currently-scheduled hearing, Plaintiffs respectfully request this Court to clarify whether Plaintiffs are obligated to respond to the pending motion to dismiss on or before August 12, 2024, or whether this Court will hold the response date in abeyance pending this Court's resolution of Mr. Van Dyke's ability to serve as Defendant Uthe's counsel in this case.

Dated: July 18, 2024

Respectfully Submitted,

/s/ Justin E. Herdman

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Michael S. Quinlan (OH # 88386)

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Attorneys for Plaintiffs

Community Church of Chesterland Ohio,

Jess Peacock, Megan Carver, and

Constance Becker

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 18, 2024, a copy of the foregoing Motion for Clarification on Time to Respond to Defendant Chris Uthe's Motion to Dismiss was filed with the Clerk of the Court via the CM/ECF system, which will send notification to all counsel of record.

Further, a copy of the foregoing was sent via USPS First Class Mail to the following:

Aimenn D.Penny (#51942-510)
FCI Hazelton
Federal Correctional Institution
P.O. Box 5000
Bruceton Mills, WV 26525

/s/ Justin E. Herdman

Justin E. Herdman (OH #80418)

*Attorneys for Plaintiffs
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